REVISITING CORPORATE CRIMINAL LIABILITY FOR MANSLAUGHTER: A LEGISLATIVE PROPOSAL FOR INDIA THROUGH A COMPARATIVE STUDY

A

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PRITHIVI RAJ

(ENROLLMENT NUMBER: RSILS240031)

Under the Supervision of

PROF. DR. ARUN KUMAR SINGH

PROFESSOR OF LAW

ICFAI LAW SCHOOL

ICFAI Law School

The ICFAI University, Dehradun

2025

THE ICFAI UNIVERSITY, DEHRADUN

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I, **Prithivi Raj**, declare that the **synopsis** entitled, "**Revisiting Corporate Criminal Liability For Manslaughter: A Legislative Proposal For India Through A Comparative Study**" being submitted in the partial fulfilment of the requirement for the award of the degree of Doctor of Philosophy in Law under ICFAI Law School, The ICFAI University, Dehradun during the academic year 2025-26.

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Course of Study	Ph.D. (Law)
Name of Guide	Prof. Dr. Arun Kumar Singh
Department	ICFAI Law School
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Submitted By	research@iudehradun.edu.in
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TABLE OF CONTENTS

Sl. No. / Section	Title	**Page No.**
-	Candidate's Declaration, Guide/Supervisor Certificate, Plagiarism Report	i - iii
-	Table of Contents	iv
-	Abstract	v
1	Introduction	1
2	Research Problem	2
3	Literature Review	2
4	Research Gap	9
5	Research Objectives	10
6	Research Questions	10
7	Significance of Study	11
8	Scope of the Study	12
9	Limitations of Study	12
9	Hypothesis	13
10	Research Methodology	13
11	Expected outcome of the Research Work	14
12	Chapterisation	15
13	Month wise plan of the work	15
14	References / Bibliography	17

Prithvi Raj

REVISITING CORPORATE CRIMINAL LIABILITY FOR MANSLAUGHTER: A PROPOSAL FOR LEGISLATION IN INDIA THROUGH A COMPARATIVE STUDY

ABSTRACT

India's laws on corporate responsibility are quiet not worthy adequate, and this is made clear by industrial disasters. These events show that corporate governance is broken and that regulators don't do their jobs well. The main problem is that we still use the old "identification doctrine," which makes it hard to hold companies criminally responsible because it only requires proof of one "directing mind" instead of the full organization. This problem persists even after the “Bharatiya Nyaya Sanhita, 2023” was passed. This law broadens the concept of "person," but it does not create a separate crime for corporate manslaughter. This study examines the concept of corporate manslaughter in India and proposes a viable legislative remedy. The paper elucidates successful strategies for assigning liability grounded in organizational culpability, managerial deficiencies, and systemic negligence through a comparative analysis of corporate manslaughter statutes in the United Kingdom, Australia, and Canada. It employs a methodology that integrates doctrinal and comparative frameworks to formulate a suggested "Draft Corporate Homicide Law" specifically designed for India's legal and social context. The proposed bill wants to make corporate manslaughter a separate criminal by giving explicit definitions of gross negligence and institutional accountability. It demands for robust enforcement measures, such as mandatory safety compliance checks, holding the board accountable, and setting up a legal fund to help victims. The bill also includes punishments like fines and prohibitions on certain activities. It also adds a new idea of punitive equity dilution, which would directly hurt the financial interests of guilty top management. This paper delineates a trajectory for a substantial transition from superficial compliance to genuine accountability by integrating global legal concepts with the Indian situation. It portrays the prevention of industrial deaths as not merely a regulatory imperative, but as an integral aspect of ethical governance and the preservation of human rights.

Keywords: Corporate Manslaughter, Corporate Homicide, Corporate Criminal Liability, Negligence, Accountability.

Prithvi Raj

1. INTRODUCTION

In legal terms, corporate manslaughter is a law that holds establishments to be responsible for deaths when they occur as a result of the company's carelessness or failure to adhere to health and safety laws. And not only people, but in many places businesses can also be held liable under the law. In India, however, there are no laws that directly pertain to this issue. Instead it rests on a hodgepodge of laws that do not hang together. The identification doctrine a well-established tenet in common law that holds only those people perceived as the company's "directing mind and will" are criminally responsible is. Because India's criminal laws are mostly about people, like Section 106 of the "Bharatiya Nyaya Sanhita (BNS) 2023", this legal gap gets worse. This thesis talks about "causing death by negligence" and says that "rash or negligent mind" is part of what it means to have intent. This law is good for punishing people, but it doesn't make it clear how it applies to corporate negligence. The "Bharatiya Nyaya Sanhita (BNS), 2023" also broadens the definition of a "person" to encompass organizations; however, it does not establish a distinct offense for corporate homicide.

The inadequacies of this legal system are seen in the recurrent judicial failures during significant industrial catastrophes, including the Bhopal Gas Disaster (1984), the Uphaar Cinema Fire (1997), and the Vizag Gas Leak (2020), wherein businesses frequently dodge substantial criminal liability.

When you look at how India's criminal laws focus on individuals, it's easier to see the flaws in the identification doctrine. According to section 106 of the "Bharatiya Nyaya Sanhita (BNS)" the negligence must involve a rash mind or careless mind so as to bring about death. People are the focus of the law and it does not show any clear guidelines on how it should operate in the case of companies. Vicarious liability is oftentimes applied to businesses in order to apply personal laws to the business. Yet, it can hardly be applied in criminal cases, as it is necessary to prove that a director assisted or accepted the crime to knowingly. This takes back the identification doctrine, and thus makes it difficult to punish companies. What we have as a consequence is a vicious spiral: people are being targeted by law and require a mechanism to punish companies but the mechanism itself is a flawed theory that has failed. The "Bharatiya Nyaya Sanhita (BNS) 2023" aimed at resolving issues that have been existing for a long time but it did not succeed. Even though BNS has included organizations and groups as "persons," the latter still does not recognize corporate manslaughter as a separate crime. Rather, the law

is concentrating on such areas as "organized crime" and "economic offenses" i.e. intentional acts accompanied by severe penalties.

2. RESEARCH PROBLEM

India still doesn't have a legislation that says what firms should do when their serious negligence causes death. Companies typically don't face real consequences even after big disasters like the Bhopal Gas Tragedy and the Vizag Gas Leak. The laws we have now aren't enough to make them criminals. Laws regarding corporate manslaughter in countries such as the UK and Australia clearly demonstrate this. Earlier studies did consider Indian and international laws, but it went a step ahead. It seeks to recommend new India legislation that defines corporate manslaughter and lay down specific norms on what the courts could do, how officialdom could charge, penalise and implement. The aim is to make companies more responsible and avoid such incidents in the future. It's not just the lack of real rules, it's the lack of any guidance on law enforcement action, or the courts' reading, or institutional preparedness—or everyone else to adapt. Corporate manslaughter will not be tackled and the guilty punished without a full legal framework that includes the need for definitions to be exact, thresholds of gross negligence to be set, accountability put in place and punishments severe enough to warn off others willing to turn a blind eye."

3. REVIEW OF THE LITERATURE

i) Nzegwu, S. N. (2022). Corporate manslaughter and its relationship with corporate social responsibility in Nigeria (Doctoral dissertation, University of Bolton). University of Bolton Research Repository.

Nzegwu's comprehensive thesis examines the relationship between corporate manslaughter and corporate social responsibility in Nigeria, highlighting the nation's vulnerable and porous legal framework regarding corporate crime. One of the main arguments against the enforcement of CM is that it operates in a vacuum, meaning that there is no adequate legal framework for enforcing CSR. The study strongly advocates for the passage of the Corporate Manslaughter Bill 2015 of Nigeria to enable the prosecution of hazardous corporate conduct and to dissuade potential corporate wrongdoers. It further emphasizes the need for a stronger institutional

framework and more public awareness to rectify procedural deficiencies and to ensure accountability for occupational fatalities and environmental degradation.

ii) Nzegwu, S. N. (2025). Re-examining the lawful insufficiencies for corporate punishment: A case for the punishment of companies in Nigeria for corporate manslaughter and corporate homicide. International Journal of Advanced Research, 13(2), 1020–1034.

In this research, the author identifies gaps and shortcomings in Nigerian law that hinder the effective prosecution and punishment of firms for corporate manslaughter and homicide. It says that Nigeria doesn't have a good way to make sure that firms are held responsible for deaths on the job and damage to the environment, unlike the UK and Australia. The author says that if firms were prosecuted and punished harshly, they would have to rethink their belt and knife system. The article proposes that a "open approach," similar to that of the Netherlands, which permits courts discretion in determining culpability, may be advantageous. It is suggested that imposing large fines for failures, including not training people, would be a strong deterrent.

iii) Phelps, R., Jansz, J., Chang, P., & Ghosh, A. (2025). Corporate manslaughter in the UK: Lessons for Australia. Social Sciences & Humanities Open, 11, 101209.

The UK passed the “Corporate Manslaughter and Corporate Homicide Act 2007” (CMCHA) to fix problems with prosecuting significant workplace crimes. It did this by focusing on collective management failure and taking away Crown immunity. But reviews show that the CMCHA has mostly not lived up to expectations in its first ten years. This includes a very low number of successful cases, especially against big businesses. Maximum individuals who were found mortified were small to medium-sized businesses. Critics also say that the sentences aren't always the same and that they don't do anything to lower the number of deaths at work. The report concludes that Australia can learn from the UK's prosecutorial shortcomings and the relative ease of prosecuting smaller businesses compared to larger ones, which often evade prosecution.

iv) R. Vaiphei (2024). The necessity for the evolution of corporate manslaughter legislation in India: An enhancement in corporate governance to safeguard stakeholder interests. (Thesis, ICFAI University Dehradun)

The results show that India's existing laws are not adequate to deal with the intricacies of corporate manslaughter, hence new regulations are looked-for that are specific to modern corporate structures and wrongdoing. Moreover, the alignment of such legislation with robust

corporate governance procedures improves accountability and cultivates a proactive safety culture, as evidenced by legal analysis, case studies, and empirical data. It underlines the need into long-term changes in culture, the views of stakeholders, and possible unintended effects in order to make sure that the legal framework stays effective, ethical, and adaptable to the changing business world. Future research ought to evaluate the practical application of corporate manslaughter legislation in India, encompassing enforcement by legal and regulatory entities, and extract comparative lessons from nations such as the United Kingdom to discern implementation obstacles and remedies. It should investigate how Indian firms are harmonizing internal practices with legal requirements, the consequent transformations in corporate culture, and the responsiveness of regulatory agencies to properly monitor compliance within a fluid economic landscape.

v) Matthew George Gent, "Corporate Manslaughter and Corporate Homicide Act 2007" – An examination of the Act on the potential delegation of prosecutorial authority to the Health and Safety Executive. (April 2024) (University of Chichester Dissertation).

This dissertation evaluates the suitability of the "Corporate Manslaughter and Corporate Homicide Act (CMCHA) 2007" for convicting corporations of manslaughter in the United Kingdom. The dissertation will demonstrate, through theoretical, sociological, legal, and doctrinal methodologies, that the CMCHA 2007 is an inadequate framework for prosecuting corporations. It contends that the Health and Safety Executive (HSE) ought to possess prosecutorial authority under the CMCHA 2007.

vi) Ashley Smith: Should the Law on "Corporate Homicide" Be Reformed? (August 2021) (LL.M(R) thesis, School of Law, College of Social Science, University of Glasgow).

This thesis evaluates the adequacy of the "Corporate Manslaughter and Corporate Homicide Act 2007" in assigning blame for victims' deaths and determines the necessity for revision. It assesses the efficacy of the CMCHA 2007 in relation to English case law, addressing issues identified as rationale for revision. It is determined that there is currently no unequivocal justification for reform. This thesis also looks into whether the law on corporate homicide should be changed. It probably does this by looking at Scots Law and the Culpable Homicide (Scotland) Bill. It cites important laws including the "Corporate Manslaughter and Corporate Homicide Act, 2007" (CMCHA 2007). The thesis additionally addresses the mental component in homicide law and suggestions for reform.

vii) Stephanie Wanjiku Gikonyo, Moving Towards a Paradigm of “Corporate Criminal Responsibility for Corporate Manslaughter” (2020) (Strathmore University).

This study examines corporate criminal liability in Kenya and the enforceability of pertinent legislation. It examines the feasibility and consequences of incorporating corporate manslaughter into Kenyan law, juxtaposing it with the U.K.’s “Corporate Manslaughter Act”. Gikonyo's analysis suggests that Kenya should use the realism approach to hold businesses accountable for crimes and make corporate manslaughter a crime. It also says that corporate liability will work better when the focus moves from figuring out who was at fault and what their intent was to looking at the problems of the whole company.

viii) Katherine Morris and Melissa Carnell, Industrial Manslaughter: Do You Have a Culture of Compliance? OHS PROF. MAG., Sept. 2019.

Morris and Carnell's 2019 article talks about how Australia's rules on industrial manslaughter are changing. It focuses on the shift toward a "culture of compliance." This new legal norm, unlike "reasonably practicable" or "due diligence," compels businesses to show that they have a proactive safety culture. The authors pointed out that this new framework doesn't make it clear what "negligence" means. The authors find out that the regulatory examinations will look into whether there is a "culture of compliance," which means that the corporations will have to verify and document their safety measures. Using the Banking Royal Commission as a starting point, the author finds out that how important it is to regularly check and improve safety culture. Companies should take the initiative to deal with safety risks, and boards and CEOs should show that they care. OHS leaders want to make certain that there are strong systems for managing hazards and assessing risks.

ix) Lucy Hooper, "Are Corporations Free to Kill?" Rethinking the Law on Corporate Manslaughter to Better Reflect the Artificial Legal Existence of Corporations, The Plymouth Law & Criminal Justice Review, Vol. 11, p. 150-180 (2019).

Hooper's post talks about how well the “Corporate Manslaughter and Corporate Homicide Act 2007” works, using the Grenfell Tower disaster as a big test for the Act. The paper points out the problems with the old identification concept and looks at how well the 2007 Act has fixed them. The paper speaks how common law has reformed over time in relation to corporate manslaughter. The article posits that instead of holding persons liable for their direct conduct leading to death, culpability should arise from their participation in a defective corporate structure.

x) Aida Abdul Razak, Corporate Manslaughter and the Attempt to Reduce Work-Related Deaths: A Comparative Study of the Legislative Framework in the United Kingdom, Australia, and Malaysia (Oct. 2018) (Ph.D. dissertation, Adelaide Law School, The University of Adelaide).

This Ph.D. dissertation investigates those laws that relate to corporate manslaughter in case of occupational fatalities. It compares the laws of the UK, Australia, and Malaysia. The study reviews the ideas of corporate social responsibility and argues that corporations are moral entities. It uses both legal research and empirical research methods and conducts interviews with participants from Malaysia and Australia. The dissertation offers proposals for law changes in Malaysia and argues for a provision on corporate manslaughter in the "Occupational Safety and Health Act 1994". It maintains that corporate manslaughter legislation is the right and necessary way to respond to occupational fatality. The "identification doctrine" has been the main hurdle in the last decade for those wanting to bring cases against large corporations. One of the most significant findings is that the current Malaysian legal framework is silent on the issue of corporate homicide. The report recommends that a provision for corporate manslaughter be added to the Occupational Safety and Health Act 1994 and the Penal Code with penalties that are high enough to create deterrence. The empirical evidence reveals that the Malaysian industry participants are deficient in awareness of corporate manslaughter provisions.

xi) Laura Dobson, Turning Points of Corporate Manslaughter Reform in England and Wales From 1912 to 1999 (June 2018) (Ph.D. Thesis, Salford Law, Salford Business School, University of Salford)

This Ph.D. thesis examines the pivotal moments in corporate manslaughter reform in England and Wales from 1912 to 1999, focusing on the underlying causes of uniformity in judicial reasoning and responsive legislation. It delineates seven pivotal turning points from this era and the circumstances that impeded the reform of corporate manslaughter. The study use doctrinal, historical, and archival legal methodologies to compile and examine case law, statutes, and comments pertinent to corporation criminal liability and manslaughter. It also brings together reactive laws and public probes that happened after disasters and are related to deaths at work. The thesis seeks to address a research deficiency by delivering a comprehensive examination of the factors contributing to the resemblance in judicial reasoning and reactionary legislation, as well as the impact of disaster case studies.

xii) Craig Laverick, Enforcing the ISM Code, and Improving Maritime Safety, with an Improved Corporate Manslaughter Act: A Safety Culture Theory Perspective (Feb. 2018) (Ph.D. Thesis, University of Central Lancashire).

This Ph.D. thesis examines the enforcement of the International Safety Management (ISM) Code and explores enhancements to marine safety through a redesigned "Corporate Manslaughter Act". There are appendices that cover the ISM Code and the "Corporate Manslaughter and Corporate Homicide Act 2007". The author proposes amendments to the Corporate Manslaughter Act and presents a table juxtaposing the original statute with the suggested revision. The thesis examines maritime safety and corporate manslaughter through the lens of safety culture theory.

xiii) Victoria Roper, The "Corporate Manslaughter and Corporate Homicide Act 2007"—A 10-Year Review. The Journal of Criminal Law, 82 (1). pp. 48–75 (2018).

Roper's study examines the "Corporate Manslaughter and Corporate Homicide Act 2007", discussing its efficacy over the past decade. It examines the reasons individuals believed the common law offense of gross negligence manslaughter was ineffective and the societal circumstances that prompted calls for reform. The study also talks about the Act's explicit purposes, which are to remedy problems with common law prosecutions and discourage people from doing things that are dangerous for their health and safety.

xiv) Stuart Allan, The "Corporate Manslaughter and Corporate Homicide Act 2007" or the Health and Safety (Offences) Act 2008: Corporate Killing and the Law (2016) (Ph.D. thesis, Glasgow Theses Service).

This dissertation examines the "Corporate Manslaughter and Corporate Homicide Act 2007" and the Health and Safety (Offences) Act 2008 within the framework of workplace safety regulation in the UK. It looks at how these laws were put into place, how they worked, and how they helped lower the number of deaths at work. The study also talks about how important health and safety violations are and how their punishments relate to those for homicide.

xv) Mihailis E. Diamantis, Corporate Criminal Minds, 91 Notre Dame Law Review 2049 (2016).

Diamantis formulates an innovative perspective on corporate mens rea, utilizing insights from cognitive science. The essay suggests that factfinders should assign mental states to corporations during trials, just as they typically do with analogous entities. It proposes

considering corporate defendants similarly to natural persons and deducing their mental state from their actions and the context in which they occur. Diamantis contends that this methodology aligns with cognitive science research about mental state and the attribution of culpability.

xvi) Allan, S. (2016). The “Corporate Manslaughter and Corporate Homicide Act 2007” and the Health and Safety (Offences) Act 2008: Corporate Killing and the Law.

Allan's thesis analyzes the efficacy of the UK's “Corporate Manslaughter and Corporate Homicide Act 2007” (CMCHA) in mitigating work-related fatalities. One important conclusion is that the CMCHA 2007 wants to hold businesses responsible for "gross breach of a relevant duty of care" through collective management failure. This gets rid of the hard "directing mind" criteria that made it hard to prosecute bigger companies in the past. The Act, however, got off to a poor start, with few prosecutions by December 2015 and average fines that were lower than the guidelines. In the past, the identification concept produced a "two-tier system of justice" that mostly kept big companies from being charged with manslaughter.

xvii) Khairat Oluwakemi Akanbi, "The Legal Framework for Corporate Liability for Homicide: The Experience in Nigeria and the United Kingdom" (2014) 22 No 1 “IIUM Law Journal” 117.

This article examines the legal framework for corporate accountability for homicide, contrasting the experiences in Nigeria and the United Kingdom. It proposes substituting the management failure theory with the corporate culture theory for ascertaining corporate mens rea, as it is grounded in personal liability and encompasses systemic corporate behaviors. The article also points out problems with using the current legal systems, like problems with evidence and the necessity for better punishments.

xviii) Misheck Chomu Madechangu, Criminalisation of Senior Managers for Corporate Manslaughter under English Law: Specific Proposals for Reforms (Apr. 2013) (Ph.D. Thesis, Nottingham Trent University and Southampton Solent University)

This doctoral thesis investigates the criminal liability of senior executives for corporate manslaughter within the context of English Law and promotes specific reforms. It discusses the philosophical and theoretical foundations of corporate accountability, including utilitarianism and moral and legal rights. The thesis analyzes corporate philosophy and the role of senior managers in ensuring organizational safety.

xix) Benjamin Edward Haigh, An Analysis of the Corporate Manslaughter and Corporate Homicide Act (2007): A Badly Flawed Reform? (Masters of Jurisprudence, Durham University, Dec. 23, 2011).

This dissertation analyzes the effectiveness of the "Corporate Manslaughter and Corporate Homicide Act (CMCHA) 2007" in addressing the issues associated with the idea of identification. It looks at the basis for corporate criminal responsibility, the role of the Law Commission, and how Canada sees corporate manslaughter. The thesis posits that the new "senior management" criterion may face analogous challenges as the identification doctrine when applied to a large company.

xx) Ananthi Bharadwaj, "Corporate Manslaughter and Corporate Homicide Act, 2007", 21 Nat'l L. Sch. India Rev. (2009).

This article is about the "Corporate Manslaughter and Corporate Homicide Act 2007", which went into effect on April 6, 2008. It makes corporate manslaughter a new crime that can be punished with a fine, a remedial order, and a publicity order. It adds the "senior management failure" test to make it easier to prosecute.

xxi) Sugawara, Masayuki, Corporate Criminal Liability for Manslaughter (Oct. 1999) (Ph.D. dissertation, University of Bristol).

This Ph.D. dissertation analyzes corporate criminal culpability for manslaughter, referencing a sequence of calamities in the United Kingdom throughout the late 1980s. It examines both practical and theoretical deficiencies in current models and introduces a novel theory of corporate liability. The research examines corporate defenses and sentencing determinants. It also stresses the necessity to combine current ideas about corporate liability.

4. RESEARCH GAPS

In many parts of the world, the conversation about "corporate criminal liability" has changed a lot. For example, the UK, Australia, and Canada have all passed laws like the "Corporate Manslaughter and Corporate Homicide Act 2007".

The country still resorts to ancient legal principles and vague provisions of statutes in addressing corporate malfeasance. Decades after enduring pivotal industrial tragedies — like the Bhopal gas leak, the Uphaar cinema fire and Vizag gas leak — the country still does not

have a specialised legislation to hold companies criminally responsible for gross negligence that leads to loss of lives. India is still working with older legal ideas that don't really match the kinds of corporate accidents we see today. Despite major tragedies like the Bhopal gas leak, the Uphaar cinema fire, and the Vizag gas disaster, we still don't have a law that directly holds companies criminally responsible when their serious negligence causes deaths. Because there's no dedicated offence for corporate manslaughter, prosecutions become complicated, and companies often don't feel enough pressure to maintain proper safety standards.

5. OBJECTIVES OF THE RESEARCH

1) To assess the sufficiency of India's current legal framework—including the Bharatiya Nyaya Sanhita, 2023, and workplace safety regulations—in tackling corporate criminal liability for industrial fatalities, emphasizing the shortcomings of the identification doctrine and the disjointed enforcement.

2) To compare the laws on corporate manslaughter and homicide in the UK, Australia, and Canada, with the goal of finding the best ways to hold organizations responsible, enforce regulations, and pay victims.

3) To suggest a complete set of laws for India on corporate homicide that moves responsibility from people to companies, makes boards responsible, and sets punishments that are fair based on the size of the company and the harm done.

4) To look at trends in Indian corporate negligence cases and areas where the law isn't being enforced, focusing on problems with assigning blame, finding the right remedy, and the changing role of the courts in dealing with systematic corporate failures.

5) To suggest changes to India's corporate responsibility system that will bring it in line with worldwide safety standards. These changes should include justice that focuses on the victim, rehabilitative measures, and ways to control the behavior of multinational corporations.

6. RESEARCH QUESTIONS

1) What are the main legal and structural problems with India's present criminal system that make it hard to hold companies accountable for deaths caused by gross negligence?

2) What should India's corporate manslaughter law look like so that both companies and top managers are held accountable without hurting the economy or inhibiting new ideas?

3) What can India learn from other countries, such the UK, Australia, and Canada, about how to write and implement laws against corporate manslaughter, especially when it comes to enforcement thresholds and responsibility models?

4) What are the real-world problems and institutional resources needed to put corporate manslaughter laws into effect in India, especially for law enforcement, regulators, and the courts?

5) What effect may the implementation of a corporate manslaughter law have on how businesses act, how they follow the rules, and how they manage risk in different industries in India?

7. SIGNIFICANCE OF THE STUDY

This research is important because it takes a forward-thinking, reform-oriented approach. The article examines the legal systems of industrialized nations, including the UK, Australia, and Canada, to identify legislative frameworks and enforcement techniques that achieve a balance between accountability and economic sustainability. These remarks deliver a groundwork for the design of a contextually suitable Corporate Homicide Law for India, intended to bring into line with the country's legal traditions, institutional proficiencies, and socio-economic situations.

The study suggestively improves the address on corporate governance and the compulsion for regulatory reform. It recommends a set of laws that will grasp the board answerable and make them sure that the safety is enforced, and victims are getting help.

This study has significant ramifications for the real-world environment beyond the academic sphere. Its findings and suggestions could help lawmakers, politicians, lawyers, and regulatory bodies in India create and put into place a strong legal framework that would help prevent corporate negligence, protect human life, and raise the ethical standard of the business world. This study is an important step in making sure that India's growing ties to the global economy don't put people at risk or make them less responsible.

8. SCOPE OF THE STUDY

The study emphases on the criminal liability connected with corporate homicide. This thesis examines the legal, institutional, and policy dimensions of corporate criminal culpability in India, focusing on preventable industrial fatalities resulting from egregious corporate negligence. It looks at how the Bharatiya Nyaya Sanhita, 2023, the Factories Act, 1948, and other pertinent Occupational safety rules are not enough. The research shows that the rules in question are not enough to show that firms and senior management are directly responsible. The researcher will do a comparison of the statute in the UK, Canada, and Australia about corporate manslaughter or homicide. The purpose is to decide the best way to adopt the implementation, enforcement, accountability, compensation and sanctions or punishment for the new proposed law. The purpose of the study is to present the Draft Corporate Homicide Bill for India.

9. LIMITATIONS OF STUDY

In this part of the study, I chose to look only at a few countries that already have fairly mature and clearly structured laws dealing with corporate manslaughter—mainly the UK, Canada, and Australia—because examining every jurisdiction would make the project too broad, and these three offer enough variety to understand how different legal systems approach the idea of holding a company criminally responsible when its own negligence results in someone's death.

Most of the material I rely on comes from publicly available judgments and documents, which means that anything resolved quietly through settlements or cases that never reached the stage of a reported decision simply doesn't show up in the data, creating a natural limitation that I cannot fully control but can only acknowledge as part of the research process.

On the practical side of things, the depth and quality of the findings also depend heavily on how many stakeholders—whether lawyers, industry professionals, regulators, or people familiar with such cases—are actually willing to share their experiences and insights, and since not everyone chooses to participate, the range of perspectives I can capture is automatically shaped by who agrees to speak and who doesn't.

Even with these limitations, recognising them openly helps keep the research realistic and honest, and it ensures that whatever conclusions I draw remain relevant to the central question

of whether India should consider introducing a clear and dedicated criminal law on corporate homicide instead of continuing with the existing fragmented and outdated provisions.

10. HYPOTHESIS FOR RESEARCH

Hypothesis 1

India's current legal provisions fall short when it comes to effectively dealing with corporate responsibility in cases of industrial deaths. A well-designed law—framed through comparative study and tailored to Indian realities—has the potential to strengthen accountability, enhance enforcement mechanisms, and encourage organisations to adopt safer operational practices.

Hypothesis 2

Establishing legislation on Corporate Homicide that attributes direct liability to organisations along with their managers could act as a catalyst for stricter accountability, higher safety standards, and a more deeply rooted culture of legal compliance in India's industrial environment.

11. METHODS FOR RESEARCH

11.1 The Kind and Nature of Research

This thesis integrates various disciplines and employs both qualitative and empirical research methodologies. The doctrinal division conducts a qualitative legal examination examining statutory and judicial legislation as well as legal theories. It seeks to pinpoint the deficiencies of India's corporate criminal culpability for homicide. This part will look closely at the current legislation and suggest the Draft Corporate Homicide Bill to fix the problem of lack of responsibility. The empirical section will feature real-world insights derived from surveys, interviews, and case studies. It will reveal how businesses, government institutions, and courts work, giving proof that changes to the law might be needed.

11.2. Sources and Methodology

The research integrates primary, secondary, and empirical sources. Indian laws like the Bharatiya Nyaya Sanhita (2023), the Factories Act (1948), and the Environmental Protection Act (1986) are examples of primary legal sources. It also talks about laws from other countries, notably the UK Corporate Manslaughter and Corporate Homicide Act (2007), Canada's

Westray Law (Bill C-45), and Australia's Work Health and Safety Act (2011). It also talks about international documents, such the UN Global Compact and ILO Conventions. The research will analyze judicial rulings, including M.C. Mehta v. Union of India, the Uphaar Cinema Case, and Union Carbide v. Union of India. It will also look at case law from other nations to see how judges have handled comparable issues.

Secondary literature, such as scholarly papers, comments, law commission findings, and parliamentary debates, will shed light on doctrine and policy. The research will collect empirical data using stakeholder surveys, interviews, case studies of significant industrial disasters, and criminal databases managed by organizations like the NCRB and the MCA.

11.3. Comparative and Doctrinal Examination

The research adopts a comparative legal analysis of corporate homicide legislation in the UK, Canada and Australia. It raises issues of organisational responsibility, means of enforcement and their potential effectiveness in the social and legal conditions prevailing in India. The analysis is an in-depth assessment of inadequacies of the present system in India particularly identification philosophy espoused by it. It also looks at alternative methods of attributing blame, such as the 'corporate culture' method. This paper advocates a Model Corporate Homicide Bill specifically designed for India as a product of this research. The law contains a framework to ensure that board directors are accountable, give compensation to victims, levy fines on offenders and place restrictions on operations.

12. EXPECTED RESULT OF THE RESEARCH WORK

By the end of this research, we should be able to do a few things clearly. To begin with, we need a solid understanding of how India currently approaches corporate manslaughter and where the law falls short, especially because the identification doctrine limits who can actually be held responsible.

Next, comparing India's position with the laws in the UK, Canada and Australia should help us see what works elsewhere and what India can realistically adopt.

The study will also work towards preparing a draft corporate homicide bill that is suited to India's legal system and its industrial and social setting, drawing from both theory and practical experience.

In addition, it should outline what changes are needed in enforcement agencies, judicial interpretation and policy frameworks to strengthen accountability in cases of corporate negligence.

Overall, the aim is to add something useful to the ongoing conversation on corporate criminal liability in India—something that can be applied both in academic writing and in everyday regulatory and governance practice.

13. CHAPTERIZATION

1. Chapter 1 – Introduction

2. Chapter 2 – Corporate Crime and the Law in India: A Critical Review

3. Chapter 3 – Comparative Legal Study of Corporate Manslaughter Laws in UK Canada and Australia

4. Chapter 4 – Judicial and Institutional Challenges in Prosecuting Corporate Negligence in India

5. Chapter 5 – Empirical Data and Hypothesis Testing: Analysing Corporate Negligence.

6. Chapter 6 – Conclusion and Way Forward towards Reform: Drafting India's Corporate Manslaughter Legislation

14. MONTH WISE PLAN OF THE WORK

S. No	Activities	Dec-25	Jan-26	Feb-26	Mar-26	Apr-26	May-26	Nov-26	Jan-27
1	Thesis Title Defense, finalize research questions, objectives, hypotheses; approve research design & chapterisation	▓							

Prithvi Raj

S. No	Activities	Dec-25	Jan-26	Feb-26	Mar-26	Apr-26	May-26	Nov-26	Jan-27
2	Chapter 1 (Introduction), collect and organize primary & secondary sources, draft Chapter 2 structure		▓						
3	Chapter 2 (Corporate Criminal Liability in India), start comparative legal research for Chapter 3			▓					
4	Chapter 3 (Comparative Study of UK, Canada, Australia), begin analysis of Indian case law & judicial trends for Chapter 4				▓				
5	Chapter 4 (Judicial & Institutional Challenges), begin drafting Chapter 5 (Proposed Bill & Legal Reforms)					▓			
6	Chapter 5 (Empirical Data and Hypothesis Testing: Analysing Corporate Negligence)						▓		
7	Chapter 6 (Conclusion & Way Forward), compile bibliography, footnotes, annexures							▓	
8	Full thesis review & proofreading, incorporate supervisor's feedback, final formatting & plagiarism check, final submission								▓

Prithvi Raj

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